

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Douglas Duane Bahl and Susan
Kovacs-Bahl,

**COURT FILE NO. 08 CV 5001
DSD/JJG**

Plaintiffs,

v.

**PLAINTIFFS' MOTION TO
EXCLUDE TESTIMONY OF
DEFENDANTS' EXPERT WITNESS**

County of Ramsey, et al.,

Defendants.

TO: Defendants County of Ramsey and Ramsey County Sheriff's Department and their attorney, Thomas Ring, Assistant Ramsey County Attorney, 50 West Kellogg Boulevard, Suite 560 RCGC-West, St. Paul, MN 55102; and

Defendant City of St. Paul and its attorney, Judith A. Hanson, Assistant City Attorney, 750 City Hall/Courthouse, 15 West Kellogg Boulevard, St. Paul, MN 55102

The Plaintiffs, Douglas Duane Bahl and Susan Kovacs-Bahl, move the Court for its order excluding testimony of James Bruton, expert witness for Defendants County of Ramsey and Ramsey County Sheriff's Department, pursuant to Rules 702 and 403 of the Federal Rules of Evidence. The grounds for Plaintiffs' motion include: Mr. Bruton lacks the qualifications to provide expert testimony and opinion testimony concerning the issues involved in this case, including, but not limited to the issue of effective communication with deaf people: Mr. Bruton's opinions do not meet the standards for reliability set by the U.S. Supreme Court in *Daubert v. Merrill Dow Pharm., Inc.*, 509 U.S. 579 (1993), *General Electric Co. v. Joiner*, 522 U.S. 136 (1997) and *Kumho Tire*

Co. Ltd. v. Carmichael, 526 U.S. 137 (1999) because they are not based on any reliable methodology, principles, or standards; and the subjects of some of Mr. Bruton's opinions are not appropriate subjects for expert opinion testimony.

Plaintiffs' motion is based on Mr. Bruton's Rule 26 Expert Witness Report, Mr. Bruton's deposition testimony, the Affidavit of Roderick J. Macpherson III, and Plaintiffs' Memorandum in support of their motion.

MINNESOTA DISABILITY LAW CENTER

Dated: March 1, 2010

By: **s/ Roderick J. Macpherson III**

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